IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 28996 of 2006(B)

CC.81/2006 of J.M.F.C.-II, HARIPAD

.....

PETITIONER:

R.SANAL KUMAR,
RANDUTHAYIL VEEDU, PUNNAPRA P.O.,
ALAPPUZHA.

BY ADV. SRI.BIMAL K.NATH
SRI.S.JAMAL
SRI.V.SREEVALSAN

RESPONDENTS:

---

1. SUB INSPECTOR OF POLICE,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. T.D.DEVARAJAN, S/O. DINESHAN,
THEKKE PARAMBIL VEEDU, PUNNAPRA P.O.

3. D.SELVARAJ, S/O. DAYANANDAN,
KUTTUNGAL VEEDU, PUNNAPRA P.O.

BY ADV. SRI.S.SANAL KUMAR
SMT.BHAVANA VELAYUDHAN
GOVT.PLEADER SRI.GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/12/2006, ALONG WITH WPC NO. 30370 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

Ext.P1. A true copy of the private complaint filed before the JFMC Ambalappuzha

Ext.P2. A true copy of the notice/order transferring C.C. 85/2005 pending before JFMC-II Alappuzha to JFMC-II Haripad

R.BASANT.J

W.P.(C) Nos. 28996 & 30370 OF 2006

Dated this the 11th day of December 2006

JUDGMENT

These writ petitions are filed by the petitioner for a direction for transfer of C.C. 84/2005 and 85/2005 from JFMC-II (Mobile) Alappuzha to JFCM-II Harippad.

2. These cases have had a chequered career. They were initially pending before the JFCM Ambalappuzha. As a Junior Superintendent working in that Court was related to one of the parties the case was transferred to the JFMC-II (Mobile) Alappuzha. But subsequently the very same official was transferred from JFMC Ambalappuzha to JFMC-II (Mobile) Alappuzha. Thereupon the learned Chief Judicial Magistrate of Alappuzha transferred these case to Haripad. The short request of the learned counsel for the petitioner is that the transfer of the official should have entailed only in transfer of the cases back to the Court which originally has jurisdiction and should not at any rate have caused greater inconvenience to the parties- by a direction for transfer to a more distant Court.

3. The report of the learned Magistrate was called for. I have

gone through the remarks offered by the learned Chief Judicial Magistrate of the circumstances on the basis of which the transfer was directed to the J.F.C.M-II Haripad I am certainly of opinion that the case must have been promptly transferred back to the J.F.C.M. Ambalappuzha for disposal expeditiously. Till the JFCM Ambalappuza disposes of the case the learned C.J.M. Ambalappuzha, must ensure that official related to the parties is not transferred back to that Court.

4. In the result these writ petitions are allowed. C.C. 84 and 85/2005 which were pending before the J.F.C.M-II (Mobile) Alappuzha shall now be disposed of by the J.F.C.M Ambalappuzha, as agreed by both sides. I further direct that the learned Magistrate of Ambalappuzha must dispose of the cases as expeditiously as possible, at any rate by 30-4-2007. The learned Chief Judicial Magistrate shall ensure that the records of these cases wherever they are, are sent to the J.F.C.M Ambalappuzha before 2-1-2007 on which date all the contestants shall appear before that Court without waiting for any further direction .

R.BASANT, JUDGE

es